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EXAMINER				
PULLIAS, JESSE SCOTT				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/812,999

Applicant(s)

WILSON ET AL.

Examiner

JESSE S. PULLIAS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 04/08/2008 have been fully considered but are non-persuasive.

The remarks claim that Ehsani et al. (US PGPUB 2002/0032564) teaches a Finite State Machine that is just a dialog manager and does not generate dialog application code for spoken dialog application from the Finite State Machine (page 6). Ehsani teaches a call flow design with grammar representation (paragraph [0221]). The grammar representation is used with a compiler that converts the representation into a form usable for a dialog (paragraph [0227]). A large database of grammar (paragraph [0236]) is used with a knowledge database and converts it to a Finite State Machine (paragraph [0235]) then the Finite State machine is used for generating script code for a spoken application dialog (figure 3 and paragraphs [0215]-[0216]). Although the Finite State Machine is described as a dialog manager, the Finite State Machine is generated from grammar and used to generate code script (paragraph [0231]) for spoken application dialog (figure 3 and paragraphs [0215]-[0216]), therefore accomplishing the same function as addressed in claim 1.

It is further argued that Ehsani does not teach generate code but that pre-designed script is used (page 6). Ehsani teaches implementing a set of scripts to generate the application (paragraph [0216]). It is obvious that the scripts are not always the same but change according to a specific situation of a dialog in order to dynamically change the spoken application, therefore generating a set of pre-designed scripts in

order to generate a dialog application, so the fact that the code are generated sets of pre-designed script does not teach away from generating code for an application.

The remarks further claim that Ehsani or Valles (US PGPUB 2004/0083092) do not teach a context free grammar representation of a call flow that generates a Finite State Machine (page 7). As addressed above, Ehsani teaches using grammar representation of a call flow (paragraph [0220]) for creating a Finite State Machine (paragraph [0235]). Ehsani does not disclose specifically using context free grammar representation. Valles teaches using a grammar parser (paragraph [0037]) that generates a conceptual structure from the grammar (figure 11) of which is used to make a file with the context free grammar such as BNF (paragraph [0078]). The files are loaded to the system in order to make a Finite State Machine (paragraph [0117]). The Finite State Machine is used to generate an application interface (figure 9) of which is generated by programming code (paragraph [0167]).

The method of Valles is similar to that of Ehsani except that it uses context free grammar. It would have been obvious to combine the references because they are both of analogous art and differ by one variation that does not change the functionality of the invention and therefore would have been obvious to try using the invention with other types of grammars.

Finally, it is argued that Valles teaches away from the invention because in paragraph [0030], he claims that call flows are not part of the system (page 11). Valles teaches generating conceptual structures of a spoken dialog from a tree data structure (paragraph [0037]). It is obvious that by using conceptual structures of a spoken dialog

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from a tree data structure, what would be depicted would be the flow of a conversation and its options of possibilities within the conversation, therefore describing the “flow” of a conversation. Paragraph [0030] describes the need for a more flexible dialog generating system than the ones that exist currently but does not mention that a flow representation is not used.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-9 are rejected under 35 U.S.C. 101 because the invention is directed to non-statutory subject matter.

Claim 1 is directed to a method for generating a spoken dialogue application, which is not tied to another statutory class and does not transform underlying subject matter, and therefore is directed to non-statutory subject matter. Claims 2-9 depend on claim 1 and so are also directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5-12, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehsani et al. (US PGPub 2002/0032564) in view of Valles (US PGPub 2004/0083092).

As to claims 1, 10-12, and 17, Ehsani discloses a method for generating a spoken dialog application (paragraph [0034]), comprising: generating a finite state machine from a grammar representation (a finite state machine is generated from the NLU component, paragraph [0215] lines 1-8, which comes from an interactive/call flow with grammar representation, paragraph [0214] lines 1-11) of a call flow (a call-flow is automatically expanded into recognition grammar, paragraph [0034]); and generating a dialog application code for a spoken dialogue application from said finite state machine (sets of scripts are generated by the application interface after the information is passed from the FSM, paragraph [0216] lines 1-4), wherein said generated application code for said functions are executable during runtime of said spoken dialog application (these application are to be used at runtime, for example, when a person wants to access a bookseller's database and provide dialog for that time, paragraph [0216] lines 4-10).

Ehsani does not specifically disclose using context free grammar. Valles teaches a method for developing conversational application dialogs (abstract). State transition systems along with the grammars are built for the dialogs

(paragraph [0036] lines 4-10. Valles also teaches using context free grammar for the developments of the dialogs (paragraph [0145] lines 1-6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the method of Ehsani with the use of context free grammar as taught by Valles. Doing so gives the advantage of being a more versatile grammar when dealing with diverse meanings and languages (paragraph [0148]).

As to claims 5 and 14, Ehsani does not specifically disclose using Backus-Naur Form format. Valles teaches using augmented Backus-Naur Form (figure 5), which is a form of the augmented context free grammar (paragraph [0145] lines 1-6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the method of Ehsani with the use of Backus-Naur Form format of grammar as taught by Valles. Doing so gives the advantage of being a more versatile grammar when dealing with diverse meanings and languages (paragraph [0148]).

As to claims 6 and 15, Ehsani does not specifically disclose using an augmented Backus-Naur Form format. Valles teaches using augmented Backus-Naur Form (figure 5), which is a form of the augmented context free grammar (paragraph [0145] lines 1-6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the method of Ehsani with the use of Backus-Naur Form format of grammar as taught by Valles.

Doing so gives the advantage of being a more versatile grammar when dealing with diverse meanings and languages (paragraph [0148]).

As to claim 7, Ehsani discloses a function is associated with a node in said finite state machine (instructions and prompts are associated with each node (state) in the Finite State Machine, paragraph [0211]).

As to claim 8, Ehsani discloses generated application code (sets of scripts are generated by the application interface after the information is passed from the FSM, paragraph [0216] lines 1-4) and customizable databases for application specific lists of objects and such (paragraph [0221]). Ehsani does not specifically disclose customizing the code. It would have been obvious to one having ordinary skill in the art at the time the invention was made that in order to have a method that is used for developing speech dialog code would have to be customizable or else new dialogs or changes to existing dialogs could not happen.

As to claims 9 and 16, Ehsani discloses an output function performing a table lookup for prompt information (a database to store linguistic knowledge, paragraph [0068], and other information such as: task-oriented discourse (paragraph [0075]) and phrases for automatic creation of grammar network (paragraph [0164] lines 1-10).

3. Claims 2, 3, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehsani et al. (US PGPub 2002/0032564) in view of Valles (US PGPub 2004/0083092) as applied to claim 1 and in further view of Marx et al. (US 6,173,266).

As to claims 2 and 13, Ehsani or Valles do not disclose specifically using a graphical representation of a call flow. Marx teaches a method for development of speech application dialog and using graphics to represent a call flow (abstract lines 13-16) and generating the grammar representation of said call flow using said graphical representation (graphs are used to represent dialog call flows and the dialogs contain representations of the grammar, column 7 lines 44-46). Ehsani does not specifically disclose using context free grammar. Valles teaches a method for developing conversational application dialogs (abstract). State transition systems along with the grammars are built for the dialogs (paragraph [0036] lines 4-10. Ehsani also teaches using context free grammar for the developments of the dialogs (paragraph [0145] lines 1-6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the method of Ehsani with the use of context free grammar as taught by Valles and the graphical interface of Marx. Doing so gives the advantage of being a more versatile grammar when dealing with diverse meanings and languages (Valles paragraph [0148]), and by using graphical interface the user does not have to manually go from one step of the dialog development process to the other (Marx column 3 lines 18-22).

As to claim 3, Ehsani or Valles do not disclose specifically using standardized graphical elements. Marx teaches using icons for the graphical representation (abstract lines 9-11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the method of Ehsani and Valles with the use of graphical elements as taught by Marx. By doing so the user does not have to manually go from one step of the dialog development process to the other (Marx column 3 lines 18-22).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehsani et al. (US PGPub 2002/0032564) in view of Valles (US PGPub 2004/0083092) as applied to claim 1 and in further view of Marx et al. (US 6,173,266) and Yuschik (US 7,139,706).

As to claim 4, Ehsani, Valles, or Marx do not disclose specifically using Visio. Yuschik teaches a method for developing automatic speech interfaces (abstract) and using Visio for simulation of ASR and prompting dialogs (column 14 lines 43-53). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the method of Ehsani and Valles with the use of Visio. Doing so would allow an easy form of call flow representation.

Conclusion

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1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse Pullias whose telephone number is 571/270-5135. The examiner can normally be reached on M-F 9:00 AM - 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571/272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571/270-6135.

2. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jesse S Pullias/
Examiner, Art Unit 2626

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626